

# EXHIBIT F



**U.S. Citizenship  
and Immigration  
Services**

July 24, 2018

**APP2018001143**

Kathy Kiely  
Press Freedom Fellow  
National Press Club  
529 14<sup>th</sup> Street, NW  
Washington, DC 20045

Dear Ms. Kiely:

Re: NRC2018096051

You appealed the action of the National Records Center regarding your request for access to records pertaining to Oscar Gutierrez Soto, dated June 21, 2018.

Thank you for your letter of July 17, 2018, concerning Freedom of Information Act ("FOIA") request number NRC2018096051, in which you note that USCIS not yet responded to your FOIA request.

Your FOIA request is not subject to administrative appeal at this time, since no specific material has been denied in response to the request. The FOIA, at 5 U.S.C. § 552(a)(6)(C), provides that a requester shall be deemed to have exhausted his or her administrative remedies if an agency fails to respond within the applicable time limit specified in the paragraph, which is twenty days (with certain exceptions).

This provision does not provide a basis for an administrative appeal of a request that is still being processed. Moreover, the lack of a substantive response to date is not the same as a response indicating that no documents were found.

I have confirmed that your request is being processed. USCIS receives more than 150,000 FOIA and Privacy Act requests every year, more than any other U.S. government agency. USCIS FOIA personnel consider your request important and have no intention of delaying it. USCIS will process your request as soon as possible, but in the order it was received, as established by law. I have sent a copy of your letter to the National Records Center for their information. You may check the status of your request at any time online at <https://egov.uscis.gov/foiawebstatus/>.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan D. Hughes".

Alan D. Hughes, Associate Counsel  
Commercial and Administrative Law Division  
Department of Homeland Security  
Citizenship and Immigration Services